IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 3283 OF 2007

Namdeo Ramchandra Dhaware ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr P.R.Arjunwadkar, Advocate for the applicant.

Ms S.D.Shinde, A.P.P for the respondent.

CORAM: V.C. DAGA,J.
DATED: 15.10.2007.

P.C.

1. Heard learned counsel for the applicant and the learned APP for the State.

2. Perused the application and the material available on record.

3. The applicant-original accused arrested in C. R. No. 65 of 2007, registered with Pangari Police Station, Pangari for the offence under Sections 147, 148, 302, 506, 504 read with Section 149 of the I.P.C. is seeking bail under Section 439 of the Cr.P.C.

4. Here, I may mention that the observations made by learned Additional Sessions Judge, Solapur in paras 4 and 5 of its order dated 24.8.2007, while rejecting application for bail, reads as under:-

"On the other hand, learned A.P.P. Shri J.S. Pardeshi submitted that there are four to six eye-witnesses for the incident in question. Post mortem notes clearly shows that Mittu Dhaware has died of homicidal death due to head injury. There was motive on the part of applicant-accused tokill Muttu Dhaware as there was quarrel between Mittu Dhware and the applicant-accused on the previous day of the incident. If bail is granted there is possibility of tampering prosecution evidence. So applicant accused is not entitled for bail."

"Upon going through copy of charge sheet made available by learned A.P.P. Shri. J.S. Pardeshi it is seen that there is ample prima facie direct as well as circumstantial evidence against applicant-accused to believe that he has committed offences alleged against him.In this case, there are eye-witnesses to the incident in question. So also there is prima facie case to show that applicant-accused had motive to commit crime in question.Offences alleged against applicant-accused is of serious nature and provided with capital sentence. In the circumstances, in my view, applicant-accused is not entitled for bail."

5. Looking to the material available on record to connect the present applicant with the alleged offence and for the reasons recorded by the Additional Sessions Judge, Sholapur,in its order dated 24.8.2007 in B.A.No. 855 of 2007 which still hold gold, this is not a fit case to enlarge the applicant on bail.

6. In the result, the present application stands rejected.

7. Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(V.C.DAGA,J)